

Message Text

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ACTION H-02

INFO OCT-01 ARA-06 ISO-00 SCS-03 L-03 DEAE-00 SNM-02 /017 W

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FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC PRIORITY 1842

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E.O. 11652: NA

TAGS: CASC CO

SUBJECT: SEIZED PIPER NAVAJO N9045Y OWNED BY WANDERING TIGER

INC SAN JOSE CA

REF: STATE 265112

FOR H

1. COLOMBIAN ATTORNEY FOR SUBJECT COMPANY DR. ROBERTO DAVILA, REPORTS THAT HE HAS SUBMITTED REQUIRED DOCUMENTATION TO THE SECOND PENAL CIRCUIT JUDGE IN GIRADOT. LAST DOCUMENTS WERE SUBMITTED ON OCTOBER 29.

2. THE AIRCRAFT WAS SEIZED BY GOC UNDER THE AUTHORITY GRANTED BY ARTICLE 52 OF THE NARCOTICS ACT 1188 OF JUNE 25, 1974. THIS SECTION OF THE LAW, WHICH IS QUOTE SIMILAR TO U.S. LAW, ORDERS THE CONFISCATION OF VEHICLES, BOATS, AIRCRAFT WHICH WERE BEING USED IN THE COMMISSION OF CRIMES CONTEMPLATED BY THE NARCOTICS ACT. ARTICLE 52 ALSO AUTHORIZES THE RETURN OF THE CONFISCATED ITEM TO THE OWNERS WHEN THEY HAVE PROVEN THAT DESPITE THEIR DILIGENCE AND CARE THEY DID NOT KNOW THAT THEIR PROPERTY WAS TO BE USED FOR ILLEGAL PURPOSES. ON JULY 26, 1975 DECREE 1514 WAS ENACTED TO REGULATE ARTICLES 52 AND 66 OF THE NARCOTICS ACT (THE LATTER ARTICLE SPEAKS ABOUT FINES). DR DAVILA SAID THAT ONE OF HIS ARGUMENTS BEFORE THE COURT IS THAT THE AIRCRAFT WAS SEIZED BEFORE THE ENACTMENT OF THIS DECREE.

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3. BESIDES PROOF OF OWNERSHIP OF AIRCRAFT BY WANDERING TIGER INC AND CERTIFIED COPIES OF LEASE BETWEEN PACIFIC PIPER (RENTAL AGENTS FOR THE OWNERS) AND DAVID MARTIN (THE PILOT WHO FLEW THE PLANE TO COLOMBIA AND IS NOW INCARCERATED IN GIRARDOT) DR DAVILA ALSO PRESENTED TO THE COURT EVIDENCE OF A SUIT FILED IN CALIFORNIA BY WANDERING TIGER AGAINST MARTIN. COMPANY CONTENDS, BUT MARTIN DENIES, THAT MARTIN WAS AUTHORIZED TO FLY THE AIRCRAFT ONLY TO MEXICO AND CENTRAL AMERICA. ALTHOUGH ORIGINAL POLICE REPORT SAID THAT 2 KILOGRAMS OF COCAINE WERE FOUND IN THE AIRCRAFT, SUBSEQUENT REPORTS INDICATE THAT 2 POUNDS OF COCAINE WERE FOUND IN SUITCASE IN HOTEL ROOM WHERE MARTIN AND TWO COMPANIONS, CAROL SNAZA AND FRED GARDNER, WERE STAYING AND THAT 60 GRAMS OF COCAINE WERE FOUND IN THE AIRCRAFT. GARDNER ESCAPED SOON AFTER ARREST AND SNAZA IS IN SAME JAIL AS MARTIN. MARTIN ALLEGES THAT 2 LBS COCAINE BELONGED TO GARDNER AND THAT THE POLICE PLANTED THE 60 GRAMS IN THE PLANE.

4. DR DAVILA STATES CASE BADLY HANDLED AT BEGINNING BY COMPANY REPRESENTATIVE EDWARD IGLESIAS WHO CAME TO COLOMBIA IN LATE JUNE TO MAKE FIRST ATTEMPT TO RECOVER AIRCRAFT, THREE MONTHS AFTER ITS SEIZURE. IGLESIAS APPEARED BEFORE THE COURT, AGAINST STRONG ADVICE BY EMBASSY, WITHOUT LEGAL COUNSEL AND PRESENTED DOCUMENTATION NOTARIZED BY HIMSELF AND WHICH WAS LATER REJECTED BY THE COURT. DURING A SECOND VISIT TO COLOMBIA, IGLESIAS WAS ESCORTED TO BOGOTA FROM GIRARDOT BY AGENTS FROM DAS (SECRET POLICE RESPONSIBLE FOR ENFORCEMENT OF NARCOTICS LAWS AND WHOSE AGENTS ARRESTED MARTIN AND SEIZED THE AIRPLANE) IN ORDER THAT HE BE INTERROGATED BY THE NATIONAL CHIEF OF DAS, GENERAL JOSE JOAQUIN MATA-LLANA. BY IGLESIAS PERSONAL ACCOUNT, HE HAD A SHOUTING MATCH WITH THE GENERAL. UNFORTUNATELY IGLESIAS COULD NOT HAVE ANTAGONIZED A MORE FORMIDABLE OFFICIAL IN THE ENTIRE COLOMBIAN POLICE. THE DAS ALSO IS RESPONSIBLE FOR ALL IMMIGRATION MATTERS.

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GENERAL MATAALLANA, WHO IS NOW ALSO ACTING DIRECTOR GENERAL OF THE CIVIL AVIATION, PROMPTLY ORDERED IGLESIAS OUT OF THE COUNTRY.

5. EMBASSY HAS LEARNED THROUGH HIGH OFFICIAL IN THE CIVIL AVIATION THAT ALREADY THERE IS A DRAFT DECREE TO CONFISCATE THE AIRCRAFT. DR DAVILA WAS ADVISED CONCERNING THIS MATTER BY THE EMBASSY AND HE SAID

THAT IF DECREE IS SIGNED THAT THERE IS AN ADMINISTRATIVE APPEAL AVAILABLE TO REQUEST ANNULLMENT OF THE DECREE.

ACTION REQUESTED--DEPARTMENT PLEASE INFORM REP NORMAN MINETA THAT EMBASSY CANNOT INTERVENE WHILE LEGAL AVENUES STILL OPEN TO AMERICAN OWNERS OF AIRCRAFT AND ESPECIALLY SINCE THE COURT HAS NOT YET RENDERED A VERDICT. EMBASSY WILL CONTINUE TO FOLLOW CASE CLOSELY.

VAKY

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